



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Kevin P. BAKER, et al.

Application Serial No. 10/015,386

Filed: December 12, 2001

For: **PRO1325 NUCLEIC ACIDS**

) Examiner: Landsman, Robert S.

) Art Unit: 1647

) Confirmation No: 9794

) Attorney's Docket No. 39780-2830 P1C55

) Customer No. 35489

EXPRESS MAIL LABEL NO. EL 993 636 763 US

DATE MAILED: MARCH 14, 2005

AMENDMENT UNDER 37 C.F.R. §1.48(b) AND 37 C.F.R. §1.312

MAIL STOP AF

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Dear Sir:

In the above identified application, a Notice of Allowance was mailed on February 24, 2005, but an issue fee has not been paid. Having reviewed the allowed claims, Applicants have found that as a result of claim amendments made during prosecution, fewer than all of the currently named inventors are the actual inventors of the invention being claimed in the present application. Accordingly, please **delete** the names of the following inventors, who have not made an inventive contribution to the currently claimed subject matter:

| | |
|--------------------------------|--------------------------|
| Kevin P. Baker | David Botstein |
| Dan L. Eaton | Napoleone Ferrara |
| Sherman Fong | Wei-Qiang Gao |
| J. Christopher Grimaldi | Kenneth J. Hillan |
| James Pan | Nicholas F. Paoni |
| Margaret Ann Roy | Victoria Smith |
| Timothy A. Stewart | Daniel Tumas |
| P. Mickey Williams | |

03/17/2005 MAHME1 00000040 081641 10015386

01 FC:1464 130.00 DA

Upon entering the present amendment, Luc Desnoyers, Audrey Goddard, Paul J. Godowski, Austin Gurney, Colin K. Watanabe and William I. Wood remain named inventors in this case.

Please charge the fee of **\$130.00** and/or any fees that might become applicable, including any fees for extension of time, or credit overpayment to Deposit Account No. **08-1641**, referencing Attorney's Docket No. **39780-2830 P1C55**. Please direct any calls in connection with this application to the undersigned at the number provided below.

Respectfully submitted,

Date: March 14, 2005

By: 
Anna L. Barry (Reg. No. 51,436)

HELLER EHRMAN WHITE & McAULIFFE LLP
275 Middlefield Road
Menlo Park, California 94025
Telephone: (650) 324-7000
Facsimile: (650) 324-0638

SV 2106568 v1
3/14/05 11:54 AM (39780.2830)

03/16/05

B#

Please type a plus sign (+) inside this box ☐

PTO/SB/21 (6-99)

Approved for use through 09/30/2000. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

MAR 14 2005

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**TRANSMITTAL
FORM**

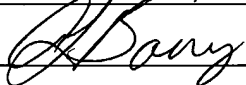
(to be used for all correspondence after initial filing)

| | | | |
|---|---|------------------------|---------------------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | | Application Number | 10/015,386 |
| | | Filing Date | DECEMBER 12, 2001 |
| | | First Named Inventor | KEVIN P. BAKER |
| | | Group/Art Unit | 1647 |
| | | Examiner Name | LANDSMAN, ROBERT S. |
| Total Number of Pages in This Submission | 4 | Attorney Docket Number | 39780-2830 P1C55 |


ENCLOSURES (check all that apply)☒ **FEE TRANSMITTAL FORM**☐ Fee Attached☐ Amendment / Response☐ After Final☐ Version With Markings Showing Changes☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/ Incomplete Application☐ Response to Missing Parts under 37 CFR 1.52 or 1.53☐ Copy of Notice☐ Copy of an Assignment☐ Drawing(s)☐ Licensing-related Papers☐ Petition Routing Slip (PTO/SB/69) and Accompanying Petition☐ Petition to Convert to a Provisional Application☒ **AMENDMENT UNDER 37 C.F.R. §1.48(b) AND 37 C.F.R. §1.312**☐ Terminal Disclaimer☐ Small Entity Statement☐ Request for Refund☐ After Allowance Communication to Group☐ Appeal Communication to Board of Appeals and Interferences☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ **ADDITIONAL ENCLOSURE(S)
(PLEASE IDENTIFY BELOW):**☒ **STAMPED RETURN POSTCARD**

Remarks

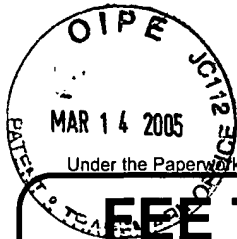
AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER, REFERENCING ATTORNEY'S DOCKET NO. 39780-2830 P1C55.**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

| | | | | |
|-------------------------|---|------------------|---------------------------------|---------------------------|
| Firm or Individual name | HELLER EHRMAN WHITE & McAULIFFE LLP | | ANNA L. BARRY (Reg. No. 51,436) | |
| | 275 Middlefield Road, Menlo Park, California 94025 | | Telephone: (650) 324-7000 | Facsimile: (650) 324-0638 |
| Signature |  | | | |
| Date | MARCH 14, 2005 | Customer Number: | 35489 | |

CERTIFICATE OF EXPRESS MAILINGI hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: **MAIL STOP AF**, Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on this date: **MARCH 14, 2005**Express Mail Label **EL 993 636 763 US**

| | | | |
|-----------------------|---|------|----------------|
| Typed or printed name | C. FONG | | |
| Signature |  | Date | MARCH 14, 2005 |

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MAR 14 2005

PTO/SB/17 (12-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$ 130.00)

Complete if Known

| | |
|----------------------|---------------------|
| Application Number | 10/015,386 |
| Filing Date | DECEMBER 12, 2001 |
| First Named Inventor | KEVIN P. BAKER |
| Examiner Name | LANDSMAN, ROBERT S. |
| Art Unit | 1647 |
| Attorney Docket No. | 39780-2830 P1C55 |

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number
Deposit
Account
Name

08-1641 (39780-2830 P1C55)

HELLER EHRMAN WHITE & McAULIFFE LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee
to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|------------------------|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1001 | 300 | 2001 | 150 | Utility filing fee | |
| 1002 | 200 | 2002 | 100 | Design filing fee | |
| 1003 | 200 | 2003 | 100 | Plant filing fee | |
| 1004 | 300 | 2004 | 150 | Reissue filing fee | |
| 1005 | 200 | 2005 | 100 | Provisional filing fee | |
| SUBTOTAL (1) | | | | | (\$) |

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| | | Extra Claims | | Fee from below | | Fee Paid |
|--------------------|----------------------|--------------|----------------------|----------------|----------------------|----------------------|
| Total Claims | <input type="text"/> | -20** = | <input type="text"/> | X | <input type="text"/> | <input type="text"/> |
| Independent Claims | <input type="text"/> | -3** = | <input type="text"/> | X | <input type="text"/> | <input type="text"/> |
| Multiple Dependent | | | | | <input type="text"/> | <input type="text"/> |

| Large Entity | | Small Entity | | Fee Description |
|--------------|----------|--------------|----------|--|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | |
| 1202 | 50 | 2202 | 25 | Claims in excess of 20 |
| 1201 | 200 | 2201 | 100 | Independent claims in excess of 3 |
| 1203 | 360 | 2203 | 180 | Multiple dependent claim, if not paid |
| 1204 | 200 | 2204 | 100 | ** Reissue independent claims over original patent |
| 1205 | 50 | 2205 | 25 | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2)

(\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|--|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 | 130 | 1053 | 130 | Non-English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for <i>ex parte</i> reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 120 | 2251 | 60 | Extension for reply within first month | |
| 1252 | 450 | 2252 | 225 | Extension for reply within second month | |
| 1253 | 1,020 | 2253 | 510 | Extension for reply within third month | |
| 1254 | 1,590 | 2254 | 795 | Extension for reply within fourth month | |
| 1255 | 2,160 | 2255 | 1,080 | Extension for reply within fifth month | |
| 1401 | 500 | 2401 | 250 | Notice of Appeal | |
| 1402 | 500 | 2402 | 250 | Filing a brief in support of an appeal | |
| 1403 | 1,000 | 2403 | 500 | Request for oral hearing | |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 500 | 2452 | 250 | Petition to revive - unavoidable | |
| 1453 | 1,500 | 2453 | 750 | Petition to revive - unintentional | |
| 1501 | 1,400 | 2501 | 700 | Utility issue fee (or reissue) | |
| 1502 | 800 | 2502 | 400 | Design issue fee | |
| 1503 | 1,100 | 2503 | 550 | Plant issue fee | |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner | 130.00 |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 790 | 2809 | 395 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 | 790 | 2810 | 395 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 | 790 | 2801 | 395 | Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 130.00)

SUBMITTED BY

(Complete if applicable)

| | | | | | |
|-------------------|---------------|-----------------------------------|----------------|-----------|----------------|
| Name (Print/Type) | ANNA L. BARRY | Registration No. (Attorney/Agent) | 51,436 | Telephone | (650) 324-7000 |
| Signature | | Date | MARCH 14, 2005 | | |

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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